



January 24, 2006

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## SENATE BILL No. 157

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DIGEST OF SB 157 (Updated January 23, 2006 11:24 am - DI 77)

**Citations Affected:** IC 14-9; IC 14-10; IC 14-21; IC 14-25; noncode.

**Synopsis:** Natural resources advisory councils. Establishes a single advisory council to serve the bureau of water and resource regulation and the bureau of lands and cultural resources. (Current law creates a separate advisory council for each bureau.) Removes per diem for advisory council members. Requires the advisory council to meet at least once every two months (rather than quarterly). (The introduced version of this bill was prepared by the natural resources study committee.)

**Effective:** Upon passage; July 1, 2006.

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### Lewis, Weatherwax

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January 9, 2006, read first time and referred to Committee on Natural Resources.  
January 23, 2006, reported favorably — Do Pass.

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SB 157—LS 6437/DI 77+



January 24, 2006

Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

## SENATE BILL No. 157

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 14-9-6-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2006]: Sec. 1. An advisory council is ~~created~~  
3 **for each established to serve both** of the following:

- 4 (1) The bureau of water and resource regulation.  
5 (2) The bureau of lands and cultural resources.

6 SECTION 2. IC 14-9-6-2 IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~Each~~ **The** advisory council  
8 consists of twelve (12) members appointed by the governor, with the  
9 terms of four (4) members expiring each year.

10 (b) Not more than eight (8) members may be of the same political  
11 party.

12 SECTION 3. IC 14-9-6-5 IS AMENDED TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2006]: Sec. 5. ~~The members of each advisory~~  
14 ~~council are entitled to receive a per diem of fifteen dollars (\$15) for~~  
15 ~~each day or part of a day that the members are engaged in the~~  
16 ~~performance of the official functions of the council.~~ The members are  
17 ~~also~~ entitled to receive traveling expenses that are necessarily incident

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to the performance of official functions.

SECTION 4. IC 14-9-6-6 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2006]: Sec. 6. ~~Each~~ **The** advisory council:

(1) shall hold at least one (1) regular meeting ~~in each quarter~~  
**every two (2) months** of the calendar year; and

(2) may hold special meetings that the ~~chairman~~ **chairperson** of  
the advisory council considers necessary and expedient.

SECTION 5. IC 14-9-6-7 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2006]: Sec. 7. During the first meeting in each  
calendar year, ~~each the~~ advisory council shall elect the following:

(1) A ~~chairman~~ **chairperson and vice chairperson.**

(2) Any other officer needed to carry out the business of the  
advisory council.

SECTION 6. IC 14-9-6-8 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2006]: Sec. 8. (a) ~~Each~~ **The** advisory council  
shall act in an advisory capacity to the department and the commission  
with respect to the ~~respective~~ bureaus on matters pertaining to the  
following:

(1) Policy.

(2) Administration of all programs and facilities under the control  
and management of the bureau.

(3) The programs conducted by the department in the areas served  
by the bureau.

(b) ~~An~~ **The** advisory council may not act in any capacity on specific  
license or permit applications.

SECTION 7. IC 14-10-1-1, AS AMENDED BY P.L.229-2005,  
SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2006]: Sec. 1. The natural resources commission is  
established. The commission consists of twelve (12) members as  
follows:

(1) The commissioner of the Indiana department of transportation  
or the commissioner's designee.

(2) The commissioner of the department of environmental  
management or the commissioner's designated deputy.

(3) The director of the office of tourism development or the  
director's designee.

(4) The director of the department.

(5) The ~~chairman~~ **chairperson** of the advisory council ~~for the~~  
~~bureau of water and resource regulation: established by~~  
**IC 14-9-6-1.**

~~(6) The chairman of the advisory council for the bureau of lands~~  
~~and cultural resources.~~

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(7) (6) The president of the Indiana academy of science or the president's designee.

(8) Five (5) (7) Six (6) citizen members appointed by the governor, at least two (2) of whom must have knowledge, experience, or education in the environment or in natural resource conservation. Not more than three (3) citizen members may be of the same political party.

SECTION 8. IC 14-21-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "council" refers to the advisory council for the bureau of lands and cultural resources established by IC 14-9-6-1.

SECTION 9. IC 14-25-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The commission shall administer this chapter.

(b) The deputy director for water and resource regulation shall serve as technical secretary to the commission. The deputy director shall perform the duties that are required by this chapter or that the commission directs.

(c) The advisory council for the bureau of water and resource regulation established by IC 14-9-6-1 shall serve in an advisory capacity to the commission with respect to the implementation of the commission's powers and duties, including the drafting of rules and development of inventories, assessments, and plans.

(d) For the time that the advisory council is involved in the drafting of rules, the membership of the council shall be augmented as follows:

(1) Two (2) members of the senate, not more than one (1) of whom may be of the same political party, shall be appointed for a term of two (2) years by the president pro tempore of the senate.

(2) Two (2) members of the house of representatives, not more than one (1) of whom may be of the same political party, shall be appointed for a term of two (2) years by the speaker of the house of representatives.

These members are entitled to travel expenses and a per diem allowance as determined by the budget agency for members of boards and commissions generally.

(e) The department shall provide professional, technical, and clerical personnel, equipment, supplies, and support services reasonably required to assist the commission in the exercise of the commission's powers and duties under this chapter. The department shall include money for this purpose in the regular operating budget requests of the department.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a)

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1 Notwithstanding IC 14-9-6-3, the terms of all members of the  
 2 advisory councils created by IC 14-9-6-1, before its amendment by  
 3 this act, expire June 30, 2006.

4 (b) Before July 1, 2006, the governor shall appoint twelve (12)  
 5 members to the advisory council established by IC 14-9-6-1, as  
 6 amended by this act, as follows:

7 (1) Four (4) members shall be appointed for a term of one (1)  
 8 year.

9 (2) Four (4) members shall be appointed for a term of two (2)  
 10 years.

11 (3) Four (4) members shall be appointed for a term of three  
 12 (3) years.

13 The initial terms of the members appointed under this SECTION  
 14 begin July 1, 2006.

15 (c) Eight (8) of the members appointed under subsection (b)  
 16 must be individuals who, before July 1, 2005, served as members  
 17 of an advisory council created by IC 14-9-6-1, before its  
 18 amendment by this act.

19 (d) This SECTION expires July 1, 2009.

20 SECTION 11. An emergency is declared for this act.

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## COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill No. 157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 157 as introduced.)

WEATHERWAX, Chairperson

Committee Vote: Yeas 6, Nays 0.

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